

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO. 4495 OF 2017**

Meena R. Mahida @ Meena A. Solani ..Petitioner
Vs
State of Maharashtra and ors. ..Respondents

Mr. C.K. Bhangoji for the Petitioner.
Mr. Sandeep Babar, AGP for the Respondent- State.

**CORAM : SHANTANU S. KEMKAR &
M. S. SONAK, JJ.
DATE : JULY 12, 2017.**

P.C. :

. Not on board. In view of urgency, taken on board.

2] Feeling aggrieved by the order dated 8th July 2016 passed by Divisional Caste Certificate Scrutiny Committee No.3, Mumbai Suburban at Bandra, Mumbai (Scrutiny Committee) whereby the petitioner's caste claim has been rejected, the petitioner has filed this petition.

3] Learned counsel for the petitioner submits that the petitioner's caste claim was rejected by the Scrutiny Committee on the ground that the petitioner could not produce any documents prior to 10th August 1950 showing therein that the petitioner is resident of

Maharashtra. The learned counsel submits that after the impugned decision being taken by the Scrutiny Committee, the petitioner has found School Leaving Certificate of his father showing that his father was born in the Mumbai in the year 1935 and studied in Mumbai. The learned counsel submits that in the circumstances, an opportunity may be given to the petitioner to submit the said document before the Scrutiny Committee and the Scrutiny Committee may be directed to consider the petitioner's claim afresh.

4] Having considered the submissions made by learned counsel for the petitioner as also learned AGP, in the interest of justice, we deem it proper to set aside the impugned order and remand the matter back to the Scrutiny Committee by giving liberty to the petitioner to submit School Leaving Certificate (Exhibit-D) before the Scrutiny Committee. In case the petitioner submits the said certificate before the Scrutiny Committee within four weeks from today, the Scrutiny Committee shall consider the petitioner's claim afresh and take appropriate decision on it, in accordance with law, as expeditiously as possible but not later than four months from the date of receipt of said certificate.

5] Needless to say that we have not expressed any opinion on merits of the petitioner's claim and also in regard to the aforesaid certificate. The Scrutiny Committee is free to decide the matter in accordance with law.

6] The petitioner to appear before the Scrutiny Committee on 24th July 2017 at 11.00 a.m.

7] In view of aforesaid, this writ petition is disposed of.

(M. S. SONAK, J.)

(SHANTANU S. KEMKAR, J.)